

HOUSE BILL 1052  
By McMillan

AN ACT to amend Tennessee Code Annotated, Title 36, relative to the use of mediation in certain domestic relations proceedings.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 36, Chapter 4, Part 1, is amended by adding the following new section:

Section\_\_\_\_. In any proceeding for divorce or separate support and maintenance, if an order of protection issued in or recognized by this state is in effect or if there is an allegation of domestic or family violence and an order of protection issued in or recognized by this state is not in effect, the court may order mediation or refer either party to mediation only if:

(a) Mediation is requested by the victim of the alleged domestic or family violence;

(b) Mediation is provided by a certified mediator who is trained in domestic and family violence in a specialized manner that protects the safety of the victim; and

(c) The victim is permitted to have in attendance at mediation a supporting person of his or her choice, including, but not limited to, an attorney or advocate.

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SECTION 2. Tennessee Code Annotated, Title 36, Chapter 6, Part 1, is amended by adding the following as a new section:

Section\_\_\_\_. In any proceeding concerning the custody of a child, if an order of protection issued in or recognized by this state is in effect or if there is an allegation of domestic or family violence and an order of protection issued in or recognized by this state is not in effect, the court may order mediation or refer either party to mediation only if:

(a) Mediation is requested by the victim of the alleged domestic or family violence;

(b) Mediation is provided by a certified mediator who is trained in domestic and family violence in a specialized manner that protects the safety of the victim; and

(c) The victim is permitted to have in attendance at mediation a supporting person of his or her choice, including, but not limited to, an attorney or advocate.

SECTION 3. Tennessee Code Annotated, Title 36, Chapter 6, Part 3, is amended by adding the following as a new section:

Section\_\_\_\_. In any proceeding concerning the visitation of a child, if an order of protection issued in or recognized by this state is in effect or if there is an allegation of domestic or family violence and an order of protection issued in or recognized by this state is not in effect, the court may order mediation or refer either party to mediation only if:

(a) Mediation is requested by the victim of the alleged domestic or family violence;

(b) Mediation is provided by a certified mediator who is trained in domestic and family violence in a specialized manner that protects the safety of the victim; and

(c) The victim is permitted to have in attendance at mediation a supporting person of his or her choice, including, but not limited to, an attorney or advocate.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.